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ABSTRACT

Educational institutions, particularly colleges and universities, will be affected by the change in status of 18 to 21 year olds legally. In Federal elections nationwide they have been given the right to vote. In about one-half of the states in the nation they have been enfranchised as legal adults. The full implications of this change of status for this age group have yet to be realized in society or in institutions of higher education. Some of the possible ramifications resulting from this change of status are examined in this paper and some suggestions are offered for adjusting to this change by colleges and universities. (Author)

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In the State of Minnesota and in about one-half of the other states, the legislatures have passed laws making people 18 years old and above legal adults. What the total effect of this change will be is yet to be realized in most of the existing societal structures and institutions including colleges and universities. At the present, things seem to be much as they have been. Parietal rules affecting the lives of college students are changed little, if at all. The student personnel staff of most colleges function much as they have in the recent past, aware of change but basically committed to the operational approach of maintaining the status quo. The general feeling is that the problem of the change in the legal status of most college students will be faced only when a problem arises, at which time it will be looked into. This paper will discuss the significance of the change in the legal status of 18-21 year olds, and the possible effects this change might have on student personnel work.

The approach described above may be comforting, even typical. It may, however, be highly questionable, because the assumptions upon which such an approach rests no longer pertain where the law has been changed. The first assumption is rooted in the term adolescent. This is the period of time when a child ceases to be a child and enters into a period of initiation and is processed into adulthood. In the United States, these years have traditionally been defined as age 12-13 to age 21. During this period of years an adolescent breaks away from family ties, begins to define his or her own identity, relates to

institutions including educational institutions and legal institutions differently, and is generally processed toward the time when he or she is considered an adult both legally and socially.

As David Bahan has pointed out, the concept of adolescence is an American idea, presented by G. Stanley Hall in a two-volume work entitled Adolescence. Bahan attributes to Hall the idea of adolescence as a special stage of development. (David Bahan, "Adolescence in America," Daedalus, Fall, 1971,979-995).

A considerable amount of ambiguity persists in this rites of passage process. Delayed gratification is a constant, with both societal and legal restrictions, as well as family norms that restrict what an adolescent can acceptably do. On the parents' side, "No child of mine...," often heralds some sort of clash between family norms and adolescent behavior. On the side of the young, "...but all the kids are doing it, have one, etc.," is the cry of the embattled teenager who is seeking relief from a family or societal norm that impinges on his behavior or desires.

From a societal viewpoint, certain behaviors are ruled out-of-bounds specifically. An adolescent must remain in school until age 16, cannot legally drive an automobile until age 16, cannot marry without parental consent until age 18, cannot drink alcoholic beverages, contract a debt or be bonded until of legal age, and has a special status in the law as a juvenile, thereby receiving different treatment under arrest and charge both by law enforcement agencies and the courts. The term "juvenile offender" designates a class of law violaters who are not of legal age and who are treated differently.

In terms of societal expectations, work for pay is also restricted by age requirements, and only certain types of money-earning means are open to young people under the age of 16. At the same time, young people in the middle adolescent years are urged to begin to think about vocational choices, and what they want to by "in the future" (more commonly, "when you grow up"). At this point, certain expectations begin to intrude into those middle years of adolescence. Do I go

to college? Do I go to work? The implicit dichotomy is interesting. If a young person does not choose to enter the work force or the military, several months to four or more years of additional education are inserted into his or her life. A choice of a business college, vocational school, community college, or four-year college is looked upon as "not working" (an adult activity), and the role of a student in some sort of educational institution is thus societally defined as "a student is someone in late adolescence who does not work." Are you working or are you going to college? How often has a young person of 18 to 22 had to answer this question as though the categories "work" and "student" are somehow mutually exclusive? This problem has recently been examined in a study by Glenn Hendricks and Carole Zimbrolt, "Defining a Student: Social Perceptions of Studenthood," Office for Student Affairs Research Bulletin, Volume 13, Number 12, May 23, 1973, University of Minnesota. About one-third of college age young people actually select further education after high school and self-define themselves by this selection as students or college students.

For those who make this selection to enter post-high school educational institutions, not only is delayed gratification (not marrying, not working for wages "full-time", etc.) a given, but another societal norm intrudes itself, extended adolescence. Upon arrival at many educational institutions, certain behavioral expectations are set forth as acceptable within that institution. In the more extreme forms, these include dormitory hours for all dormitory residents with special hours for freshmen. No alcohol, food or pets in dormitory rooms, no automobiles on campus, "dressing" for the evening meal (ties for men, dresses for the women), a "cut" system of class attendance, required seating in classrooms, and in some instances required attendance at on-campus religious services. Visiting in dormitory rooms by members of the opposite sex is either forbidden entirely or severely restricted and monitored. "Lights out" and room checks are also common, as well as a whole host of campus rules and requirements usually included in a student handbook. These rules function as a disciplinary

code of conduct by which student behavior is judged. Serious breaches of the conduct code may lead to probation, suspension or expulsion. Even in liberal institutions which have considerably modified conduct codes and behavioral expectations, much of the attitude still prevails as either parietal rules (minimal) or as a part of parentalism, i.e. the welfare of the student is somehow not only of concern to us, but we (the more liberal institution) are responsible to "develop the whole person," and this requires that we all learn to live together acceptably, if not harmoniously. We do not have rules; we do have expectations. We expect our students to act responsibly. Since the "we" of such liberal institutions is an editorial or impersonal designation, the ambiguity in the role of a student in such an institution is heightened in a role definition that is already ambiguous as pointed out by Hendricks and Zimbrolt (see above, p.3). But what is irresponsible? What are the sanctions applied for those who are judged to have acted irresponsibly?

Suddenly, what was once the battle cry of the recent advocacy activist period of 1964-1972 is a fact in half of the states. Student activists were saying, "...we are adults, we want to be treated as adults." In particular they asked to be treated as adults under the law. "If we violate a law, arrest us as you would any other citizen under the law," was the standard held up at many a student rally. In thus declaring themselves free from on-campus disciplinary procedures, the students pointed up two conflicting roles, that of a student and that of a citizen. By changing the law to make 18-year-olds legally of age, a third role has now been defined, that of the college student of 18 years or over as an adult. Now, three roles are in tension, if not at times in open conflict, the role of a student, the role of a citizen and the role of an adult in the eyes of the law.

James R. Kreuzer, in "A Student Right Examined", AAUP Bulletin (Summer 1967, pp. 196-201), saw this role conflict coming.

> "To talk about restrictions which a college may impose on students' constitutionally rights is to run the danger of getting lost in land that only Lewis Carroll could have created. Distinctions may have to be drawn between the student as student and the student as citizen. There are times when the student is simultaneously student and citizen. And these times are apt to occur both on and off campus. The college too has to be seen in more than one light. It is anomalous but true that the college is dependent on society but also dependent of society. To fail to see that a college is a unique institution within and yet apart from society, that a college operates in a frame of reference different from that for society is to fail to grasp the very essence of the college."

For the greater percentage of enrolled students in college today in half the states, the student as citizen includes his legal status as a fully enfranchised adult.

When legal adulthood was conferred on 18-year-olds by state legislatures, most of the attention centered on the right to vote and on the drinking of alcoholic beverages. Other and perhaps more significant changes were given less attention, but in terms of studenthood, it is in these areas that conflict between students as students, and as citizen-adults may arise in a college setting.

At present, the first decision of a young person of 17-18 remains the same, i.e. should he or she go to college at all. Also at present, the choice not to go to college is more acceptable than it was five or ten years ago. The rush to college of the post-war 1940's lasted into the 1960's, but seems to have moderated somewhat, complicated by the unease and rapid changes in the economic situation, job market, and changes in the Selective Service system.

"For some young people, the options are bewildering and the future is uncertain. Our technology and our customs change so rapidly that no one knows if the job highly valued today will even exist in five years. Concerns over population growth, pollution and the possibility of nuclear holocaust add realistic components to the doomsday fears that have haunted every generation." Nathaniel London, a psychiatrist, included these remarks in "Parents' Reactions

to Youth" (Center Quarterly Focus, Center for Youth Development and Research, University of Minnesota, Vol. 2, No. 2, 1973, p.4) in a discussion of adolescence as a developmental task. For many young people for the past twenty years or so, the decision to go to college was almost automatic, if for no other reason than to "buy time" before making other decisions. There is some indication that present college enrollees are much more specifically career-minded.

For the in-college student, the new status as a legal adult at age 18 opens up options not previously available. Many, though not all of these available options fall into the category of student relationships generally subsumed under the area of student affairs, therefore some understanding of these options by student personnel staff seems imperative. In a report by D. Parker Young of the University of Georgia and summarized in Behavior Today (October 15, 1973), a number of these options are mentioned. Students of legal age will be fully responsible for contracts and other business obligations agreed to with a college or University. Conversely, colleges and universities may be able to press charges of contract violations, property damage, etc., directly on the student without second party or parental liability. Law suits against a college or university may become more prevalent over violation of rights, alleged unfair residence regulations, classroom or administrative practices, or alleged failure of the institution to perform under its obligations as an institution. Residency requirements, particularly out-of-state vs. in-state residency status may also be taken to the courts for settlement. In addition, students of legal age may band together to form corporations for the carrying out of projects such as providing housing, food services, retail services and book sales, recreational services, etc., within the college environment, thus being in direct competition with the college or university in the area of student services. Student corporations and their

significance are discussed in W. Max Wise, "Student Corporation: A New Proposal for American Colleges and Universities," Journal of Higher Education, January, 1973, 27-40.

Two relationships seem likely to change: (1) That of the institution in relation to parents of college students. If the student is legally an adult, what is the status of the parents in regard to debt obligations assumed by the student, or information regarding discipline, health problems, or academic problems? Should the institution notify the parents of the student? Share part of the information such as a health problem or a probationary decision? Decisions in such matters should be made prior to the need to use them so that both policy and procedure are clearly set forth for the student, the institution and the parents or legal guardians. (2) The relationship of the institution to the student. In an editorial published in the Minneapolis Star, October 18, 1973, 6A, entitled, "Time to Blow the Whistle" , the problems of higher education were discussed, including the following:

> "A further complication could arise if students whose states declare them adults at age 18 seek loans or grants as virtual indigents, regardless of family income. Prohibitively high tuition would encourage such claimed emancipation. Whether that is good or bad per se is one matter, but in addition will institutions flooded with loan and grant applications be forced to make rigid rules in a messy attempt to decide which parents pay what? That, in turn, could lead to court tests and more red tape."

Again, it seems wise to establish both policies and procedures in advance of such a prospect in order to disseminate the information broadly. This should include grievance procedures, such as are included in the recently adopted University of Minnesota Residence Regulations and Review Procedures where the policy on in-state and out-state residency is clearly presented including possible options and contingencies that bear on the final decision. Here the University has defined residency and the age of majority is set at age 18. Residency is then determined on the basis of where the student lives if of age,

i.e. not under 18 and legally a minor.

Review procedures, reclassification and appeal procedures and erroneous classification procedures are included in the adopted policy, in effect beginning January 1, 1974. In the same way a policy on financial aid, loans, grants and scholarships awarded by the University could be prepared in anticipation of the student request for such assistance based on the claim of total emancipation from parental assistance. When is a student penniless and in need of assistance, especially if the parents are in an income bracket where assistance is possible? A clarification of this point seems imperative.

The university or college may also face the prospect of a group of students, all legally adults, deciding to form a corporation in order to carry out a student project. If the incorporating members are legally adults though only 18 years of age, they may incorporate, borrow, contract and otherwise assume all the obligations of a corporation including retaining legal counsel. Such a corporation, though it is made up of college students and exists solely for a student project, perhaps in a student services area, remains free from university scrutiny under existing laws. It would seem wise for student personnel people to acquaint themselves with this area of legal corporations, and prepare a policy statement as to how the corporation will be recognized and dealt with, especially by administrations and boards of trustees or regents. Such a student corporation might conceivably present itself as having a plan that is directly competitive with plans being prepared by the college or university in housing, student services, sales or extra-curricular activities. What rights does a student corporation have to present its plans, request university or college support, benefit from its association with a university or college, or present itself as being attached to a university or college under the assumption that, since all the members of the corporation are students, they are thereby a university or college group?

Other student personnel changes that could follow as the result of full

enfranchisement of 18-20 year-olds as legal adults include:

(1) A change in the student personnel role from a parietal relationship to a managerial, services, facilitator relationship.

(2) A new perspective on the student personnel mission as the change in status of 18-20 year-olds is accepted societally as well as legally.

(3) The end of parentalism. In loco parentis has been severely modified within some institutions of higher education, but parentalism hangs on. It is a pervasive attitude akin to sexism and racism. Because parentalism is often an attitude rather than a policy, it is much harder to define and infinitely more difficult to root out. Parentalism is based on the concept of the student as a dependent or petitioner, or suppliant or even as an apprentice based on the medieval guild structure. Earl J.McGrath, Should Students Share the Power. Philadelphia: Temple University Press, 1970, and Theodore N. Farris, "Social Role Limitations of the Student as an Apprentice" in Louis C. Vacarro and James Thayne Covert, editors, Student Freedom in American Higher Education. New York: Teachers College Press, 1969, 39-47, both discuss this problem.

(4) Specifically:

(a) Admissions offices must be prepared to deal with the residency problems and the appeals to decisions made on residency of students who claim emancipation from parents.

(b) Health services must forego the tendency to moralize or parentalize while administering to the health needs of students, particularly in relation to contraceptives, abortion and gynecological needs.

(c) Activities centers and student unions may find themselves doing less programming and more facilitating, while providing student services, or acting as mediator in behalf of student wants in relation to the institution.

(d) Counseling services may find the demand rising for testing services and study-related assistance, and the counseling of students should reflect a serious effort to accept the adulthood of 18-20 year old students.

(e) Disciplinary offices will not be involved with as many minors as has previously been the case. What adjustments will be made largely depends on acceptance of legal adult status by law enforcement agencies and the courts, but internally, demands for full due process procedures and students' rights should increase.

(f) Students enrolling in colleges and universities may have already had problems involving an educational institution based on the conflict between school regulations at the high school level, and the law making 18 year olds legal adults, (see Sam Newlund, "Adults at 18, Still Minors in School," Minneapolis Tribune, January 6, 1974 1E and 10E).

(g) Individual institutions, as well as state-wide systems may devise financial assistance packages that recognize emancipation from parents at age 18, as has been proposed by the Wisconsin Higher Education Aids Board. They have proposed a loan program of up to $2,500 available to students 18 and over, to be paid back over a period of up to 25 years after graduation.

(h) Alcohol on campus where none is presently available may become an issue. Institutional regulations, state and municipal laws, licensing procedures and student demands may lead to conflicts and delays due to conflicting policies among the various agencies and institutions required to act on such proposals.

(i) The right of privacy, due process, students' rights and grievance and appeals procedures must be developed fully and put into writing in the areas of housing, discipline, use of Unions and campus buildings, colleges, departments and programs and in any other academic and administrative units or sub-units within universities and colleges to guarantee that students have this information, and know what rights they have under institutional policies.

(j) Where the institution maintains any student residences, a thorough study of the rights of students under residence contracts should be clearly stated, taking into account the legal status of 18 year old students

in those states where such legal status exists.

The emancipation of young men and women at age 18 will be recognized slowly, and institutional adjustment to this new status will evolve in response to actual situations where students who are legal adults force the issue. A study group or task force involving students, administrators, faculty, staff and community representatives ought to begin to develop documents covering the contingencies brought about by the change in the law regarding young people 18 to 20 years of age. Such a task force might well include student personnel administrators and staff, but academic units may also feel the force of change in status as students use the courts to challenge grading problems, status in majors and fields of study and progress toward degrees and certificates. At a conference on Justice on Campus held in March, 1973, at Lakeland College in Wisconsin, David Robinson, Dean of Students at the University of Wisconsin cited the increase in the number of cases under litigation involving academic grievances. In his presentation he indicated that this type of litigation has increased in the past ten years and suggested that such cases will increase in the next ten years. He based his information on actual cases which he cited, and also on a study of such cases. Information about this type of litigation is regularly reported in the College Law Bulletin, published by the United States National Student Association.

Summary

The change in status by which the age of majority has been reduced from 21 years of age to 18 years of age is important for colleges and universities. All persons 18 years of age and older not otherwise restricted can now vote in all Federal elections, and in one-half of the states they have been accorded full legal rights as adults. About one-third of those who are 18 to 21 years of age are presently enrolled in the nation's two and four-year degree-granting public and private colleges. The American Council of Education report cited in The Chronicle

of Higher Education, February 11, 1974 , p.8 indicates that 74.7% of entering freshmen in the fall of 1974 were 18 years old, and 95.2% of entering freshmen were 18 years old or older.

The full implications of the change of status of 18 to 21 year olds has not as yet been fully comprehended either societally or educationally. Probably, the full force of this change of status will be realized gradually, but more knowledge about such change, understanding of its significance and policy adjustment and institutional adjustment accordingly should follow. Institutions of higher education could well be in the forefront of acceptance of what it means to be adult at 18.

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